
October 14, 2005

Yasmine Yorker, Asst. Dir.
Office of Civil Rights
United States E.P.A.
1200 Pennsylvania Ave., NW
Washington, DC 20460

SENT VIA CERTIFIED MAIL #: 7005 0390 0003 0207 6103
RE: JFY Networks complaint & jurisdiction matters

Ms. Yorker:

Yesterday morning, about 11:30 AM, I left you a voice mail message about some difficulties I was having finding an agency to pursue a complaint against JFY Networks (please see copy of their brochure -- document #1). A little later that day, about 1:10 PM, I received a call from your colleague Ronald Ballard (Asst. Dir.) and he gave me additional information and advice. He informed me that the EPA's Office of Civil Rights is indeed interested in pursuing an investigation but that it must be under Title VI (dealing with contractors of EPA) as opposed to Title VII (dealing with employees of EPA) for which he is responsible. There was confusion as to how to classify JFY Networks. Apparently upon review of their brochure literature they can be classified as a contractor.

I am therefore advised to formally request of you that a complaint be filed against JFY Networks for discrimination against me on the basis of a disability. Furthermore, I am instructed to provide proof that I made this complaint within the appropriate time frame (I believe 45 days). In support of my complaint I submit the following copies of documents:

- 1) JFY Networks brochure (2 pages).
- 2) MCAD complaint filed 04/04/05 (2 pages).
- 3) My request to appeal MCAD denial 05/04/05 (3 pages).
- 4) Fax cover sheet to Boston EPA (late May, 1 page).
- 5) Complaint filed with OCR US Dept. Ed. 06/06/05 (2 pages).
- 6) Query to proceed w/Boston EPA 06/18/05 (1 page).
- 7) Boston EPA confirms complaint receipt 06/29/05 (1 page).
- 8) Boston EPA sends complaint to DC 08/03/05 (1 page).
- 9) Mr. Ballard forwards complaint EEOC 08/17/05 (1 page).
- 10) I request review of decision by EPA 08/23/05 (1 page).
- 11) Response from EEOC 09/01/05 (1 page).
- 12) MCAD sets appeal hearing date 10/03/05 (1 page).
- 13) Copies of my certified mail receipts (2 pages).

The above "flurry" of documents provides adequate proof of the history of my complaint.

I was also informed that I may have a novel avenue of pursuing an alternate "classification" of JFY Networks via my MCAD complaint. Based on the brochure literature it is possible to consider the entity as a "placement agency" and therefore an "employer". They promise that trainees will interview/meet with potential employers who come to the JFY Networks site. If you have any questions then please call me at [REDACTED] or write to the above address. In advance I thank you for your time and efforts in this matter.

[REDACTED]
[REDACTED]

cc: Ronald Ballard, Asst. Dir. -- EPA, Washington DC
Abigail Soto-Colon, Rvw & Authrzttn Suprvsr -- MCAD, Boston, MA

agencies, education, and community agencies.

Sample Placements

- Lab Technician, Accustar Laboratories, \$30,000
- Lab Assistant, Millennium Pharmaceuticals, \$29,000
- Environmental Technician, All & Inclusive Environmental, \$25,000
- Manufacturing Technician, UMass State Lab, \$31,000
- Service Technician, Keyspan, \$31,000
- Asbestos Worker, Resource Options, Inc., \$24,000

EnviroTech Advisory Board

Industry leaders monitor and evaluate the program to insure that it is aligned to current industry standards. JFY welcomes new members to this steering committee, professionals in the field who have new ideas and a commitment to job training programs.

How You Can Help

JFY's Environmental Technology Program needs the support of the environmental technology community. You can become involved in these ways:

- ♦ Hire program graduates
- ♦ Provide an internship
- ♦ Be guest speaker
- ♦ Host a site visit
- ♦ Be a volunteer tutor
- ♦ Make a cash donation



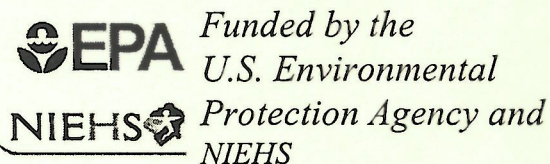
For information, please contact:
Derek Kalchbrenner, Program Manager
JFYNetWorks
125 Tremont Street
Boston, MA 02108
Phone: (617) 338-0815
Fax: (617) 338-0242
Email: : dkalchbrenner@jfynet.org
Website: www.JFYBoston.org

JFYNetWorks is Boston's largest workforce development training center, conveniently located in the heart of downtown Boston at the Park Street T Station. JFY's mission is to provide high quality education and job training services that will empower youth and adults to realize their full potential as achieving students, productive employees and responsible citizens. Since its founding 27 years ago, JFY has graduated over 25,000 youth and adults.

JFYNetWorks is a private 501(c)(3) corporation, funded by public contracts, United Way, and foundation, corporate, and individual supporters. Our services are offered either tuition free, or at nominal fees. Trainees are responsible for their certification exam fees.



ENVIRONMENTAL TECHNOLOGY TRAINING



A Career Training Program

#1
1 of 2

The Environmental Technology Industry

Environmental Technology is a field that applies the basic principles of science and engineering to manage and protect natural resources and to ensure community health and safety.

Federal regulations require that industrial and environmental hazards be contained, tested, monitored, remediated, and disposed of whether the economy is strong or weak, and those jobs cannot be outsourced overseas.

While many industries in Massachusetts have experienced decline, environmental technology is experiencing growth. The Occupational Handbook projects 21%-35% growth through 2010; Massachusetts DET projects a 31% growth in the greater Boston area. While entry-level jobs in the field require specialized skills, those skills can be acquired in a relatively short time.

Job clusters include Air & Water Quality Monitoring, Emergency Preparedness & Response, Waste Management, Hazardous Materials Handling and Transport, and Site Management.

The average entry-level job pays \$18.50 per hour or \$34,000 per year.

JFY Environmental Technology Job Training

This training is one of JFYNetWorks high-skill career ladder programs. It began in 1993, with funding from the City of Boston, as an initiative to train and place Boston residents in the environmental technology industry. In 1998, the US Environmental Protection Agency selected the JFY Environmental Technology Training as one of the first 10 national Brownfields Job Training Pilots. The EPA continues to be a principal supporter of the program.

JFY's Environmental Technology Training was cited in a recent Boston Globe editorial series as "Job Training That Works."

Curriculum

In partnership with Suffolk University and UMass/Lowell, the JFY Environmental Technology Training prepares candidates for jobs as field and lab technicians, hazardous materials handlers, emergency response technicians, decontamination technicians, environmental educators, and other jobs in the environmental and biomedical services industry. The 16-week program combines classroom and laboratory training, hands-on learning and field trips.

Classes

- Intro to Environmental Technology
- Environmental Chemistry & Lab
- Business Communications

- Professional Development
- Job Search Strategies
- 40-Hour OSHA Safety Training
- Confined Space Entry
- Asbestos Remediation
- Mold Abatement
- Emergency Response & Preparedness
- Financial Literacy

Affiliations and Partners

- UMass Lowell /N.E. Consortium
- Suffolk University
- Center to Protect Worker's Rights
- Environmental Business Council of NE
- Partnership for Environmental Technology Education
- Institute for Environmental Education
- Clean Harbors
- Northeast Rural Community Assistance Program

Eligibility

Candidates must be 18 or older with a high school diploma or GED certificate.

Trainees are chosen based upon their performance on the Test of Adult Basic Education (TABE), other assessments, and a personal interview.

Job Placements

Trainees learn strategies for obtaining employment, successful workplace conduct, preparation for certification exams, and career development.

Participating employer partners interview trainees on site. JFY graduates have been hired in private industry, government

#1
2012

The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place, Boston, MA 02108
Phone: (617) 994-6000 Fax: (617) 994-6024

#2
1 of 2

MCAD DOCKET NUMBER [REDACTED]
FILING DATE: 04/04/05

EEOC/HUD CHARGE NUMBER:
VIOLATION DATE: 03/02/05

Name of Aggrieved Person or Organization:

[REDACTED]
[REDACTED]
[REDACTED]

Primary Phone: ([REDACTED] ext. _____)

Named is the employer, labor organization, employment agency, or state/local government agency who discriminated against me:

JFY Networks
HR Director
125 Tremont St
Boston, MA 02108
Primary Phone: (617) 338-0815 ext. _____

Larry Elgart, Marketing Manager
JFY Networks
HR Director
125 Tremont St
Boston, MA 02108

Patricia Pestana, Case Manager
JFY Networks
HR Director
125 Tremont St
Boston, MA 02108

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages = 2

To: Patrick Chang	From: Karen Randolph
Dept./Agency	Phone #
Fax #: 202-564-5416	Re: Complaint # 17R-05-R1
NSN 7540-01-317-7368	5099-101 GENERAL SERVICES ADMINISTRATION

No. of Employees: Don't Know

Work Location:

Cause of Discrimination based on:
Disability, Mental Illness.

The particulars are:

I, [REDACTED], the Complainant believe that I was discriminated against by JFY Networks, Larry Elgart, Marketing Manager, Patricia Pestana, Case Manager, on the basis of Disability. This is in violation of M.G.L. 272 Section 1 Paragraph 92a, 98, 98a and .

On January 26, 2005, I participated in an intake interview in order to be accepted into an Environmental Technology Training program through JFY Networks. JFY Networks is a not-for-profit organization that works to prepare students for jobs in the environmental science field. Patricia Pestana, a case manager and instructor, conducted my intake interview. At this time I disclosed that I was diagnosed with clinical depression and anxiety.

In early February 2005, I was accepted into the program. Orientation occurred on February 24 2005. At the end of the orientation, we were required to get up in front of the class and give a brief description of ourselves using adjectives from

MCAD Docket Number [REDACTED], Complaint

J.M.M. 4/4/05

the letters in our first name. I was distressed by the lack of time I had to mentally prepare for this presentation, and wrote an e-mail to Ms. Pestana and Larry Elgart, Marketing Manager, requesting extra time to prepare for similar presentations. Ms. Pestana responded and suggested I find a description of all assignments on the syllabi. She also informed me that each student would be subjected to a videotaped mock interview that the entire class would view together.

I e-mailed Mr. Elgart on February 27, 2005 as he was to be conducting the mock interview. I expressed my concern that because I would likely disclose my disabilities in such an interview, I would not feel comfortable with my classmates viewing the tape. I requested a pre-mock interview or to be provided the questions in advance. I received no response. In class the following day, Mr. Elgart explained to the class that the purpose of the mock interview was to make the students uncomfortable. I requested to be excused from the assignment.

On March 2, 2005, I met with Ms. Pestana and Mr. Elgart. At this meeting they said they had viewed my e-mails like an employer would, that is as a "red flag". They informed me that the Environmental industry was not an accommodating one. I asked Ms. Pestana, "If you knew at the intake interview what you know now about me, would you have accepted me?". She said she would not have. They informed me that they wouldn't feel comfortable introducing me to potential employers.

On March 4, 2005, I wrote to Mr. Elgart and informed him I was contemplating an MCAD complaint. On March 8, 2005, I received a letter granting me an exemption from the mock interview. However, because I was so upset by the March 2nd meeting, I chose to resign from the program on March 8th.

I hereby verify, under the pains and penalties of perjury, that I have read this complaint and the allegations contained herein are true to the best of my knowledge.

[REDACTED]

4/4/05

(#2)

2 of 2

#3

PK. VTOUT

10/14/05
1 of 3

May 4, 2005

Abigail Soto-Colon
The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place
Boston, MA 02108

SENT VIA CERTIFIED MAIL #: 7004 2890 0003 2872 8123

RE: [REDACTED] v. JFY Networks (Larry Elgart, Marketing Mgr.
& Patricia Pestana Case Mgr.)
MCAD Docket Number: [REDACTED]

Ms. Soto-Colon:

On Monday May 2nd, I received a letter of "Denial Of Formal Investigation Of MCAD Complaint" with a handwritten date of "4/27/05" and referencing the above mentioned complaint which was filed on April 4th last month. The same day that I received this letter I called MCAD for an explanation and left you a voice mail message. I have since researched some of my questions.

The purpose of this letter is to exercise my right to appeal this Denial of Formal Investigation by submitting this as my written request for a preliminary hearing within 10 days of receipt of that notice. The reason given for denial was "No Prima facie case established under MGL.c.272 (92a, 98, & 98a)". My internet research yielded the Latin definition of "Prima facie" as "at first sight". The legal definition I found on www.lectlaw.com was:

"Evidence that is sufficient to raise a presumption of fact or to establish the fact in question unless rebutted. A prima-facie case is a lawsuit that alleges facts adequate to prove the underlying conduct supporting the cause of action and thereby prevail."

Furthermore, I investigated the above cited MGL's at the web site www.mass.gov/legis/laws/mgl/ and (in brief) the following heading titles were assigned:

- 1) Chapter 272: Section 92A Advertisement, book, notice or sign relative to discrimination; definition of place of public accommodation, resort or amusement.
- 2) Chapter 272: Section 98 Discrimination in admission to, or treatment in, place of public accommodation; punishment; forfeiture; civil right.
- 3) Chapter 272: Section 98A Physically handicapped persons with

- 3) {continued from previous page} dog guides; public places or conveyances; charges or fares; penalties.

I request this appeal based on three reasons. First of all it was represented to me that my complaint was to go into review for the issue of "jurisdiction" because of the quasi-educational nature of the entity JFY Networks. In fact, prior to filling out the initial statement of facts on the provided clipboard, the receptionist suggested and handed me the number of the Department of Education Civil Rights/Handicap division. I discussed this as an appropriate avenue to take during the compliant filing process and was told that I may have file that way. Furthermore, even before proceeding, the filer stopped the taking of my compliant statement to consult with an attorney on this matter. She even took the pamphlet I had brought (which demonstrated the educational nature of the entity) to help clarify the issue with the attorney.

My second issue relates to my layman's understanding of "prima facie". I had additional information to share (in the form of documents of correspondence) as inclusion with the complaint. I was told that was not necessary until the "jurisdiction" issue was resolved. I believe that information could have established "prima facie" as I understand it.

My third and final issue again relates to my layman's understanding of the MGL's referenced. With regard to Section 92A, this law is focused on defining what is a "place of public accommodation". To me this relates to the "jurisdiction" issue. The entity does accept members of the general public into their environmental training program after administering a test for educational merits and the entity is federally funded by the EPA. Section 92A doesn't address jurisdiction.

With regard to Section 98, the applicable parts of this law seem to be a restriction to the minimum dollar amount of damages (>\$300) and "... such person so aggrieved shall not recover against more than one person by reason of any one act of distinction, discrimination or restriction." If I was allowed to submit additional information I could have supported that the value of this training provided by JFY Networks is about \$6000 and therefore significantly above the minimum damage amount. With regard to "one act" to "one person", yes, two people are named in the complaint but I assert that there were at least 3 distinct acts of discrimination perpetrated by those two. *First was the denial of accommodation (only remedied by threat of complaint); *second being told that I had no future in the field because the "environmental industry is not an accommodating one"; and *third being told that I would not have been accepted into the program had they known the effects of my disabilities. They would not have accepted me in the program despite my self-identifying prior to acceptance. There is a fourth as well. I was told that they were not going to present me to employers as part of their placement services because of their imagined concern that my future performance would be a reflection on them and therefore somehow damage their relationship with those

#3

1..INTOUT

10/14/05
3 of 3

contacts.

With regard to section 98A, this law is primarily focused on individuals with "physical handicaps". The nature of my disabilities are "mental" or "psychological". The only relevant part of this section seems to be (again) related to the minimum and maximum amount of damages. The range given is \$100 to \$300 but this specifically applies to "... any blind person, or deaf or hearing handicapped person, or other physically handicapped person of any right conferred by this section..." This is not applicable.

For the reasons I have stated in this letter, I ask that you please review my complaint against JFY Networks. You may reach me by phone at [REDACTED] or by writing to the above address. I thank you for your time and consideration on this matter.

Sincerely,

[REDACTED]

cc: Linda Lawrie-Pfeil, Director
Massachusetts Rehabilitation Commission
59 Temple Place, 9th Floor
Boston, MA 02111

Sandra Goncalves, Clinical Dir. (Therapist)
Health & Education Services, Inc.
162 Federal Street
Salem, MA 01970

PRINT OUT 5/14/05
1 of 1

#4

FAX COVER SHEET

FROM: [REDACTED]
PHONE: [REDACTED]

DATE: MAY ____, 2005

FAX: {via MINIT-PRINT, INC -- SALEM, MA} (978) 744-6360
NUMBER OF PAGES INCLUDING COVER SHEET: 2

TO: JAMES YOUNGER, DIRECTOR
CIVIL RIGHTS & URBAN AFFAIRS, E.P.A.
PHONE: (617) 918-1061

FAX: (617) 918-1029

REGARDING:

Please find enclosed a copy of a letter sent to me by MCAD dated April 27, 2005 and titled "DENIAL OF FORMAL INVESTIGATION OF MCAD COMPLAINT". They cite "No Prima Facie" as the reason for the denial. Over the past few weeks I tried to contact Abigail Soto-Colon (Compliance Officer) for an explanation. On Wednesday the 25th, I spoke to her by phone and was told that their ruling meant they did not have jurisdiction in this matter despite the place on their form to check as such. Essentially they show the MGL's don't apply and cited them.

My question to you, at this point, is what redress do I have to pursue a complaint through your agency? Secondly, were you able to determine that JFY Networks is an organization funded by the E.P.A. for training purposes? Please inform me how to proceed at your earliest convenience.

Sincerely,

[REDACTED]

PRINTOUT

10/14/05

1 of 2

#5

June 6, 2005

Office for Civil Rights, Boston Office
U.S. Department of Education
J.W. McCormack POCH, Room 701
Boston, MA 02109-4557

SENT VIA CERTIFIED MAIL #: 7004 1350 0001 3753 6773

To whom it may concern:

Please find enclosed a 4 page printout of a completed on-line OCR "Discrimination Complaint Form" which was unable to be submitted even with error prompting. Apparently, the alternate contact person's phone number was a required field and could not be adequately changed to accept submission of the on-line form. Therefore, I included this "print-out" of the completed complaint form with the signed print-out of the "Office for Civil Rights Consent Form".

Obviously due to the "in set" text boxes of the on-line complaint form, some of the answers are only partially legible on the print out. Therefore in answer to question #5 I have included copies of the MCAD complaint (Docket Number # [REDACTED]) dated 04/04/05 and the letter of decision titled "Denial Of Formal Investigation Of MCAD Complaint" dated 04/27/05. I received MCAD's denial letter on 05/02/05 and attempted to contact their compliance officer to explain the meaning of their decision. I was unable to get immediate contact and filed a written request for appeal within the 10 day limit. Ms. Abigail Soto-Colon was on vacation during the middle of May and I finally spoke to her on May 25th. She confirmed that MCAD did not have jurisdiction in this matter. My request for appeal is still pending the scheduling of a hearing date (usually taking between 30-60 days). However, it now seems moot.

Again, due to the "in set" text boxes, my answer to question #8 is only partially legible. My answer was as follows:

"Help insure that others with disabilities are not discriminated against in similar ways. On a personal note, I would like a signed letter of apology from the instructors who discriminated against me because of my disabilities. Additionally, I would like JFY Networks to pay for the key certificate (40 Hour HAZWOPER) at another non-affiliated institution and/or have access to the same potential employers that I would have had contact with by virtue of participation in JFY Networks ET program."

All other aspects of the printed out complaint form are legible and I have initialed and dated each page for verification.

#5

PRINT OUT

10/14/05
2 of 2

In addition to filing with MCAD, I have also been in contact with the EPA who are a funder of JFY Networks. Specifically, I have been in contact with James Younger, Director of EPA's Civil Rights and Urban Affairs division. Enclosed is a copy of a fax cover sheet with "regarding message" to him dated May 26, 2005 and a copy of that fax confirmation report. There has been no reply to date.

Please advise me how to proceed with the OCR process. Any information you could provide would be greatly appreciated. I may be reached by phone at [REDACTED] (there is an answering machine where a brief message can be left) or my above address. Thank you for your time and consideration in this matter.

Sincerely,

[REDACTED]

PR IT OUT 10/14/05
1 of 1

#6

June 18, 2005

James Younger, Director
Civil Rights & Urban Affairs, E.P.A.
1 Congress Street
Boston, MA 02110

SENT VIA CERTIFIED MAIL #: 7004 1350 0001 3754 1142
RE: JFY Networks

Mr. Younger:

If you recall, back in April, I first had a phone conversation with you concerning JFY Networks. I had just filed a complaint with the Massachusetts Commission Against Discrimination and they were uncertain as to whether they had jurisdiction regarding this entity due to the quasi-educational nature of this non-profit. Their suggestion was that I should try filing with the U.S. Department of Education. I contacted the U.S. Department of Education and they suggested at that time it was your agency that I should be dealing with. You made the comment in our first conversation (paraphrased), "I don't like to hear someone not knowing where to go." I now know that yours is the agency I must go to.

Neither MCAD or OCR of the U.S. Department of Education have jurisdiction. Yesterday, I received an administrative case closure letter from the OCR. Please see enclosed copy of that letter stamp dated "Jun 15 2005". Also find a copy of my certified 2 page letter to the OCR dated June 6th which initiated the complaint. Please find enclosed copies of the supporting documents to that letter as well which includes: 1) OCR complaint form print out (4 pages); 2) OCR consent form (1 page); 3) "My Copy" of original MCAD complaint dated 4/4/05 (2 pages); 4) Denial Of Formal Investigation Of MCAD Complaint dated 4/27/05 (1 page); 5) FAX COVER SHEET addressed to you May 26, 2005 (1 page); and 6) Fax confirmation of same.

Please advise me as to how to proceed with a complaint process at your agency. You may call me at (978) 741-4699 or write to me at the above address. In advance, thank you for your time and consideration in this matter.

Sincerely,

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages ► 3

To <i>Patrick Chang</i>	From <i>Karen Randolph</i>
Dept./Agency	Phone #
Fax # <i>202-564-5416</i>	Complaint #
	Fax # <i>178-05-R1</i>

NSN 7540-01-317-7368

5099-101

GENERAL SERVICES ADMINISTRATION



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

#7

June 29, 2005

[REDACTED]

Dear Mr. [REDACTED],

This letter is to confirm that the Office of Civil Rights and Urban Affairs, United States Environmental Protection Agency, Region 1, has received your letter via certified mail on June 21, 2005. Your complaints alleged that the Jobs For Youth (JFY) Network discriminated against you on the basis of disability.

Please note that we will make determination regarding EPA's jurisdiction before we proceed. We will inform you about our decision as soon as possible.

If you have any questions, please call Shri Parikh, EEO Officer, at (617) 918-1558.

Sincerely,

James M. Younger, Director
Office of Civil Rights and Urban Affairs
Environmental Protection Agency - Region 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

#8

August 3, 2005

[REDACTED]
[REDACTED]
[REDACTED]

Dear Mr. [REDACTED],

This letter is to confirm that your complaint against the Jobs for Youth (JFY) Network has been forwarded to the National Office of Civil Rights at the United States Environmental Protection Agency for further action. The National Office of Civil Rights will contact you in the near future regarding your complaint process.

If you have any questions, please call Shri Parikh, EEO Officer, at (617) 918-1558.

Sincerely,

A handwritten signature in black ink, appearing to read "James M. Younger".

James M. Younger, Director
Office of Civil Rights and Urban Affairs
Environmental Protection Agency - Region 1

cc: Alease Wright



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 17 2005

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
7003 2260 0005 1961 0240

#9

[REDACTED]
[REDACTED]
[REDACTED]

Dear Mr. [REDACTED]

Your letter dated August 3, 2005, to James Younger, Director of Civil Rights, Region 7, Boston, Massachusetts, has been forwarded to us at the Environmental Protection Agency, Office of Civil Rights (OCR) in Washington, DC, for action. I regret to inform you that this Office has no jurisdiction to process cases coming from the private industry. Therefore, I am forwarding your package to the Equal Employment Opportunity Commission (EEOC) in Boston, Massachusetts, for action.

For your information, the forwarding address is:

Boston Area Office
John F. Kennedy Federal Building
Government Center
4th Floor, Room 475
Boston, MA 02203

I hope that I have assisted you.

Sincerely,

Ronald B. Ballard, for

Ronald B. Ballard
Assistant Director

cc: EEOC Boston Area Office

#10

[REDACTED]
August 23, 2005

Ronald B. Ballard, Asst. Dir.
Office of Civil Rights
United States E.P.A.
Washington, DC 20460

SENT VIA CERTIFIED MAIL #: 7099 3400 0008 4533 2212
RE: Jurisdiction matters concerning JFY Networks

Mr. Ballard:

The purpose of this letter is two fold. The first is to acknowledge my receipt of your letter stamp dated "AUG 17 2005" and sent by certified mail (#7003 2260 0005 1961 0240). Please see enclosed copy of same. The second is to formally request that you review the decision process that saw the matter regarding JFY Networks as having no EPA jurisdiction due to "cases coming from the private industry."

Your office is in error to have sent this onward to the Boston Area Office of the EEOC because this is not an "employment issue". Furthermore, in my conversation with a staff member (on their general information number [(617) 565-3200]), if I had filed with MCAD (as I already did) then I can't file with the EEOC as well. If MCAD couldn't handle it then EEOC can't either.

This is a case of me being a student at JFY Networks and being discriminated on the basis of a disability. JFY Networks is funded by the EPA which is why the Department of Education OCR had no jurisdiction. To mix metaphors, since you control the purse strings then you should have a dog in this fight. You may not be able to grant me the remedy I seek but you should be able to penalize their funding if it is proven they are not in compliance with the guidelines. Minimally, I should be allowed an opportunity to voice my concerns the next time they become eligible to receive funds.

Finally, as a minor point, there is a factual error in your letter of the 17th. I wrote no letter to James Younger on August 3rd. In fact it was on June 18th (please see enclosed printout) and possibly it was only received by your office on the third. Please contact me at [REDACTED] or the above address.

Sincerely,

[REDACTED]

cc: Rance O'Quinn, Supervisor -- EEOC, Boston, MA
Shri Parikh, EEO Officer -- EPA, Boston, MA



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Boston Area Office

John F. Kennedy Federal Building
Government Center
Room 475
Boston, MA 02203-0506
(617) 565-3200
TTY (617) 565-3204
FAX (617) 565-3196

11

September 1, 2005

RE: [REDACTED] vs. Jobs For Youth

[REDACTED]
Salem, MA. 01970

Dear Mr. [REDACTED]

This is in response to your correspondence of 6/18/2005, addressed to Civil Rights & Urban Affairs, EPA which was forwarded to this office for a response.

The Equal Employment Opportunity Commission has authority to investigate complaints alleging employment discrimination based on race, color, religion, sex, national origin, age or disability against certain employers and labor organizations. A charge must be filed within the time limitations imposed by law, generally, within 300 days from the alleged discriminatory act.

A review of your material reveals this office does not have jurisdiction to investigate your allegations due to our lack of jurisdiction, ie no employee/employer relationship. Therefore, no further action will be taken on your complaint by this office.

If you have any questions please feel free to contact this office.

Sincerely,

Anne Giantonio
Supervisor

Cc: Ronald B. Ballard, Asst. Dir.
U. S. EPA



THE COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION
ONE ASHBURTON PLACE, BOSTON, MA 02108-1518



Mitt Romney
Governor

Kerry Healey
Lieutenant Governor

Eric A. Kriss
Secretary

Dorca I. Gómez
Chairwoman

Walter J. Sullivan,
Commissioner

Cynthia A. Tucker
Commissioner

#12

October 3, 2005

[REDACTED]
[REDACTED]

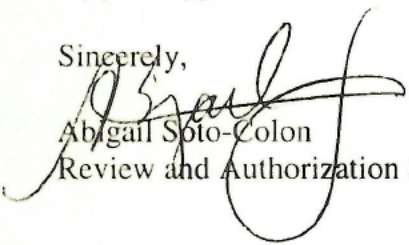
RE: [REDACTED] V. JFY Networks
NO: 051400904

Dear Ms. Mitchell:

You are hereby notified that Commission has received your appeal in the above referenced matter. A preliminary hearing has been scheduled for October 18, 2005 at 10:00 am, in the Boston office.

Please bring any additional information you wish to present to the Commission in support of your appeal.

Sincerely,


Abigail Soto-Colon
Review and Authorization Supervisor



- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Offc for Civil Right, Boston Offc
U.S. Dept. of Education
J.W. McCormack POCH, RM 701
Boston, MA 02109-4557

A. Signature x <i>[Signature]</i>		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) <i>Guernsey Jan</i>	C. Date of Delivery <i>6/7/05</i>	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		
Rec'd: 6/8/05 05?		
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		

7004 1350 0001 3753 4273
(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ronald B. Ballard, Asst. Dir.
Office of Civil Rights
United States E.P.A.
Washington, DC 20460

A. Signature x <i>[Signature]</i>		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery <i>9/16/05</i>	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		
Rec'd: 9/16/05 by J.H.M.		
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		

Article Number
Transfer from service label) 7099 3400 0008 4533 2212

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Abigail Soto-Colon
The Commonwealth of MA
Comm. Against Discrimination
One Ashburton Place
Boston, MA 02108

A. Signature x <i>[Signature]</i>		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery <i>5/6/05</i>	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		
Rec'd: 5/7/05 J.H.M.		
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		

2. Article N
(Transfer)

7004 2890 0003 2872 8123

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James Younger, Dir.
Civil Rights & Urban Affairs, EPA
1 Congress Street
Boston, MA 02110

COMPLETE THIS SECTION ON DELIVERY

A. Signature x <i>[Signature]</i>		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) <i>Joe Bonduco</i>	C. Date of Delivery <i>6-21-05</i>	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		
Rec'd: 6/22/05 by J.H.M.		
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		

2. A
N

7004 1350 0001 3754 1142

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

#13
1 of 2